

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JESUS MANUEL RAMIREZ,
ELEAZAR IVAN GARCIA,
JOHN FRANCO, and
JAVIER ALEJANDRO,
a/k/a "Osvaldo,"

Defendants.

SEALED INDICTMENT

Sl 06 Cr. _____

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DCC #:
JAN 10 2007

COUNT ONE

The Grand Jury charges:

1. Between in or about June 2006 and in or about December 2006, in the Southern District of New York and elsewhere, JESUS MANUEL RAMIREZ, ELEAZAR IVAN GARCIA, JOHN FRANCO, and JAVIER ALEJANDRO, a/k/a "Osvaldo," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.
2. It was a part and object of the conspiracy that JESUS MANUEL RAMIREZ, ELEAZAR IVAN GARCIA, JOHN FRANCO, and JAVIER ALEJANDRO, a/k/a "Osvaldo," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms

and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21 of the United States Code.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about June 19, 2006, JAVIER ALEJANDRO, a/k/a "Osvaldo," the defendant, possessed approximately 29 kilograms of cocaine in New York, New York.

b. On or about August 4, 2006, JAVIER ALEJANDRO, a/k/a "Osvaldo," the defendant, possessed approximately 29 kilograms of cocaine in the Bronx, New York.

c. On or about September 14, 2006, JAVIER ALEJANDRO, a/k/a "Osvaldo," the defendant, possessed approximately 36 kilograms of cocaine in Rockland County, New York.

d. On or about December 22, 2006, JESUS MANUEL RAMIREZ and ELEAZAR IVAN GARCIA, the defendants, traveled together from in New York, New York, to New Jersey to pick-up a shipment of cocaine.

e. On or about December 22, 2006, JESUS MANUEL RAMIREZ and ELEAZAR IVAN GARCIA, the defendants, met JOHN FRANCO, the defendant, in New Jersey, to transfer the shipment of cocaine.

f. On or about December 22, 2006, JESUS MANUEL RAMIREZ, ELEAZAR IVAN GARCIA, JOHN FRANCO, and JAVIER ALEJANDRO, a/k/a "Osvaldo," the defendants, possessed approximately 40 kilograms of cocaine in the vicinity of Exit 12 of the New Jersey Turnpike, in New Jersey.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION AS TO COUNT ONE

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, JESUS MANUEL RAMIREZ, ELEAZAR IVAN GARCIA, JOHN FRANCO, and JAVIER ALEJANDRO, a/k/a "Osvaldo," the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to a sum of money equal to approximately \$5 million in United States Currency, representing the amount of proceeds obtained as a result of the controlled substance offense for which the defendants are liable.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;


c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(Title 21, United States Code,
Section 846.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

Jan 10 2007

*Filed Superseded Indictment on S1 06 CR 25.
H/W issued for Dept. Javier Osvaldo.*

Freeman USMJ